



**U.S. Department of Justice**

*United States Attorney  
Southern District of New York*

*United States District Courthouse  
300 Quarropas Street  
White Plains, New York 10601*

March 12, 2018

**BY ECF**

The Honorable Nelson S. Román  
United States District Judge  
Southern District of New York  
300 Quarropas Street  
White Plains, New York 10601

**Re: *United States v. Okparaeké*, S1 17 Cr. 225 (NSR)**

Dear Judge Román:

The Government respectfully submits this letter in opposition to defendant Chukwuemeka Okparaeké's March 9, 2018 request to submit new suppression motions based on the superseding indictment filed in the above-referenced matter (the "Superseding Indictment").

On December 26, 2017, the defendant filed a motion to suppress much of the evidence in this case. On February 2, 2018, the Government filed its opposition. On February 25, 2018, the defendant filed his reply. In his reply, the defendant moved for the first time to dismiss two counts charged in the original indictment in this matter. On March 5, 2018, a grand jury returned the Superseding Indictment. The Superseding Indictment made technical changes to Counts One through Three, and added new charges in Counts Four and Five. On March 5, 2018, the Government submitted a letter requesting that the defendant's motion to dismiss two counts in the original indictment be denied as moot, based on the changes to Counts One through Three in the Superseding Indictment. On March 9, 2018, counsel to the defendant informed the undersigned that he intended to seek permission to file an additional motion to suppress evidence based on the Superseding Indictment.

The Government has no objection to the defendant filing a new motion challenging the Superseding Indictment itself. The Government respectfully submits, however, that the Superseding Indictment does not provide a basis for the defendant to file additional suppression motions. The Government presumes that the defendant's December 26, 2017 suppression motion remains pending. The Superseding Indictment does not impact the pendency of that motion in any way, nor does the Superseding Indictment change the scope of the evidence in this case. The new counts—Counts Four and Five—are based on the same evidence that was at issue when the defendant filed his suppression motion on December 26, 2017. For that reason, the Government respectfully opposes the defendant's request to file additional suppression motions on a new briefing schedule.

Respectfully submitted,

GEOFFREY S. BERMAN  
United States Attorney

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cc: Tony Mirvis, Esq. (by ECF)